United Nations A/54/260/Add.2

General Assembly

Distr.: General
28 July 2000

Original: English

Fifty-fourth session
Agenda item 76 (f)
General and complete disarmament: small arms

Convening of an international conference on the illicit arms trade in all its aspects

Report of the Secretary-General

Addendum

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I. Introduction

1. By its resolution 54/54 V of 15 December 1999, the General Assembly decided to establish a preparatory committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, open to participation by all States, which would hold no fewer than three sessions, the first session to be held in New York from 28 February to 3 March 2000.

2. By the same resolution, the Assembly invited all Member States, in particular those that had not yet done so, in response to the note verbale of the Secretary-General dated 20 January 1999, to communicate to the Secretary-General their views on the agenda and other relevant questions relating to the Conference, and requested the Secretary-General to transmit those responses to the Preparatory Committee.

3. By a note verbale dated 31 January 2000, all Member States were invited, if they had not done so, to communicate their views to the Secretary-General at the earliest possible date, preferably by 18 February 2000.

4. The replies of Argentina, Canada and Thailand were contained in the addendum to the report of the Secretary-General, entitled "Convening of an international conference on the illicit arms trade in all its aspects". That report and addendum (A/54/260 and Add.1) were made available to delegations during the first session of the Preparatory Committee.

5. The reply of India is contained in section II below.

II. Replies received from Governments

India

[Original: English]
[14 July 2000]

Introduction

India supports the convening of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. India participated actively in the work of the Preparatory Committee in New York in early 2000. India intends to contribute actively to the study by the Secretary-General requested by the General Assembly in paragraph 14 of its resolution 54/54 V, on the feasibility of restricting the manufacture and trade of small arms and light weapons to the manufacturers and dealers authorized by States. India believes that this study, which will cover brokering activities, particularly illicit activities, relating to small arms and light weapons, would be an important input to the Conference. India is also participating actively in the negotiations in Vienna on a draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials, in the context of the proposed United Nations Convention against Transnational Organized Crime.

Complementarity with other initiatives

2. The negotiations in Vienna, covering as they do an important strand of the problem — criminality of illicit manufacturing and trafficking — should be seen as a complementary process to the shared objective of fostering international cooperation in combating illicit trade in small arms and light weapons. The Conference to be held in 2001 is a useful opportunity to broaden what has been achieved in Vienna to cover, as appropriate, not only all small arms and light weapons as opposed to civilian firearms, but also transfers by Governments.

3. India has closely followed and supported the work of the first panel of governmental experts that resulted in the 1997 report of the Secretary-General on small arms (A/52/298, annex). We believe that the 1997 report, as well as its 1999 follow-up (A/54/258), covered substantial ground, clarifying essential issues and generating agreement on measures to tackle the phenomenon of illicit trade in small arms and light weapons. Useful contributions have also been made in the reports of the Secretary-General relating to the problem of ammunition and explosives (A/54/155) and on the feasibility of carrying out a study on restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States (A/54/160). The efforts of the international community are also reflected in the work of the Disarmament Commission, in particular its guidelines for international arms transfers[1] and the more recent guidelines drawn up in 1999.[2] India believes that these efforts have continued validity and the measures suggested or the definitions used by them could assist the work of the Conference to be held in 2001.

4. A number of regional initiatives on various aspects of this problem, including ways and means of ending the destabilizing accumulation and spread of small arms and their reduction in post-conflict situations, have been taken. India believes that regional efforts, by their very nature, do not address the global nature of sourcing of small arms and light weapons and the increasingly transnational networks of brokers, dealers, financiers and transporters. They often do not address transfers by Governments and serve merely as a mechanism for facilitating the regional cooperation of law enforcement agencies. Even in this latter aspect, experience of implementation is limited and already problems of insufficient state capacity are visible. More important, some regions have not been able to build regional norms and frameworks for cooperation given well-known political constraints and therefore need an international framework to address the problem of the proliferation of small arms and light weapons. This is not, however, an either/or situation. The Conference needs to borrow and build upon elements from regional experience, and the regional initiatives would need the supporting international framework expected to be provided by the Conference. The Conference should also help harmonize regional and global norms that help us to identify over time what is licit and what is not.

Objectives of the Conference

5. The objectives of the Conference should be to strengthen international efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons and, in this regard, to raise awareness and galvanize political will in the international community. The Conference should also foster the development, on a sustainable basis, of a globally applicable norm against the illicit trade in small arms and light weapons in all its aspects.

Scope

6. By resolution 54/54 V, the General Assembly has defined the scope of the Conference as the illicit trade in small arms and light weapons in all its aspects. India believes that much of the trade in small arms and light weapons consists of legal transfers to meet the legitimate needs of States for self-defence, maintenance of internal peace and security and securing conditions for the peaceful socio-economic development of their peoples and the ability to participate in United Nations peacekeeping operations. The dividing line between licit trade for legitimate security requirements of both individuals and States and classic contraband approaches is, however, not clear. Moreover, most illicit arms start as licit arms and there are several instances of illicit transfers disguised as licit transfers through the use of fraudulent documentation etc. Therefore, the proposed Conference, while reiterating the principle of legitimacy of such legal trade, should not extend its scope of deliberations to such transfers unless they are a source of illicit diversion and circulation. The Conference should also adopt an integrated approach to ammunition and explosives. Small arms do not kill; they are merely delivery systems for ammunition and explosives. In many cases, control over small arms and light weapons would only be possible if control over ammunition is ensured. Therefore, a narrower approach will be self-defeating.

7. While noting a comprehensive and integrated approach is required to security and development, India believes that the deliberations of the Conference should strike a judicious balance between a pure disarmament approach that focuses on control and reductions of small arms and light weapons, and a contextual approach. There is a concern that implementing political, as opposed to arms control, standards in the context of comprehensive approaches could place a heavier burden on developing countries. Therefore the treatment of contextual issues should be limited to those aspects of the multifaceted problem of small arms proliferation that need to be tackled as a first priority. The priority for international action, India believes, lies in combating the close link between small arms proliferation, international terrorism, trafficking in drugs, organized crime and money-laundering and the "grey markets" that feed this link.

Final documents

8. The Conference should adopt a declaration as well as substantive documents, including an international programme of action containing agreed measures at both the national and international levels. The programme of action may not contain legally binding undertakings but could lead to such undertakings and should certainly provide the basis for further substantive consideration and follow-up action by the international community. Once States commit themselves in the Declaration to extending control over all parts of the small arms and light weapons chain, the Conference could proceed to the identification of specific measures in the programme of action that could be supplemented by appropriate transparency and confidence-building measures. India also believes that the Conference documents should provide for measures that promote cooperation and consultation.

Agenda of the Conference

9. The agenda of the Conference should be practical and oriented towards a substantive outcome. It should allow for flexibility for the Conference to deal with all aspects of the illicit trade in small arms and light weapons.

Rules of procedure

10. In deciding on the draft rules of procedure for the Conference, Member States must keep in mind that the success of the Conference will be judged by its ability to generate the widest possible consensus among participating States in order to ensure, over the long term, the positive impact of its recommendations. While the obligations flowing from the Conference must not dilute its primary character as a Conference of States, meaningful contributions can be made as observers from the specialized agencies and other relevant intergovernmental organizations having received a standing invitation to participate in the work of the General Assembly, as well as relevant non-governmental organizations admitted on the basis of agreed criteria for attendance as observers in the open meetings of the Preparatory Committee and the Conference.

Other issues

11. In terms of venue for subsequent meetings of the Preparatory Committee and the Conference itself, India would be guided by the importance of ensuring effective participation by all States, consistent with the position of the Movement of Non-Aligned Countries on the issue.

Notes

[1] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 42* (A/51/42), annex I.

[2] Ibid., *Fifty-fourth Session, Supplement No. 42* (A/54/42), annex III.